

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE JADE FARM LLC,

Plaintiff,

-against-

DARA MIRAHANGIRY, et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 01/27/2023

22-CV-3128 (VEC) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

The Court has received and reviewed defendants' letter dated January 27, 2023 (Dkt. 59), requesting an order compelling the deposition testimony of three officers, directors, or managing agents of plaintiff The Jade Farm LLC and extending the fact discovery deadline to accommodate those depositions. Pursuant to Moses Ind. Prac. § 2(e), plaintiffs' responding letter is due no later than **February 1, 2023**, and defendants' reply is due no later than **February 3, 2023**. The responding and reply letters should address the following issues:

1. Rule 30(b)(6) requires the parties to confer in good faith about the "matters for examination." Did they do so prior to the Collins deposition? If so, to what end?
2. What was the date of the Collins deposition?
3. When did defendants first attempt to schedule depositions of Ram, Argwello, and Amanollohai? By what method?
4. Deposition subpoenas are not required for party witnesses, including officers, directors, and managing agents of corporate parties. A notice of deposition, served on the corporate party's counsel, is sufficient. Please explain why defendants served (or attempted to serve) subpoenas upon Ram, Argwello, and Amanollohai.

5. Defendants' letter states that Collins told the process server he was authorized to accept service of the subpoenas directed to Ram, Argwello, and Amanollohai. If there is any written corroboration of that communication, please attach it.

6. Defendants' letter states that plaintiff took the position that "the subpoenas are improper." If plaintiff did in fact take that position, plaintiff shall explain the basis of that statement and attach any written correspondence regarding that issue. If plaintiff disclaims this position, defendants shall attach any written correspondence regarding that issue.

7. Defendants' letter states that they also seek to take the deposition of nonparty Open Table. Defendants shall explain why they did not take that deposition before the expiration of the fact discovery period.

8. The Collins deposition transcript shall be submitted to the Court no later than **February 3, 2023**.

The Court will conduct an in-person discovery conference on **February 6, at 11:00 a.m.**, in Courtroom 20A of the Daniel Patrick Moynihan United States Courthouse. As the parties are aware, it is the Court's practice to resolve discovery disputes at the conference, if possible.

Dated: New York, New York
January 27, 2023

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge